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Attorneys for Defendants  
Bausch Health Companies Inc.  
and Valeant Pharmaceuticals North  
America, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

**FLOW PHARMA, INC.,**

Plaintiff,

v.

**BAUSCH HEALTH COMPANIES  
INC.; VALEANT  
PHARMACEUTICALS NORTH  
AMERICA, LLC**

Defendants.

CASE NO. 3:18-cv-5769-JST

**STIPULATION AND ~~PROPOSED~~  
ORDER TO FILE FIRST AMENDED  
COMPLAINT**

1 Plaintiff FLOW PHARMA (“Plaintiff”) and Defendants BAUSCH HEALTH  
2 COMPANIES INC. and VALEANT PHARMACEUTICALS NORTH AMERICA,  
3 LLC (hereinafter “Defendants”) jointly submit this Stipulation and [Proposed]  
4 Order to File First Amended Complaint.

5 **WHEREAS** on September 20, 2018, Plaintiff filed its Complaint for Patent  
6 Infringement.

7 **WHEREAS** Plaintiff, Flow Pharma seeks to file its First Amended  
8 Complaint, which adds one cause of action for Contributory Infringement.

9 **WHEREAS** a copy of Plaintiff’s Proposed First Amended Complaint is  
10 attached hereto as **Exhibit 1**.

11 IT IS HEREBY STIPULATED, by and between Plaintiff and Defendants, by  
12 and through their respective counsel, that:

13 1. Plaintiff should be granted leave to amend to file its First Amended  
14 Complaint, a copy of which is attached hereto as **Exhibit 1**.

15 2. Plaintiff’s Motion For Leave To File First Amended Complaint  
16 currently scheduled for May 9, 2019 is hereby withdrawn and taken off calendar.

17 3. Plaintiff’s First Amended Complaint is deemed filed as of the date the  
18 Order is transmitted via that CM/ECF system.

1 Respectfully submitted,

2  
3 Dated: April 23, 2019 DiBENEDETTO & LAPCEVIC, LLP  
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6  
7 By: /s/ William A. Lapcevic  
8 William A. Lapcevic  
9 Attorney for Plaintiff  
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11  
12 Dated: April 23, 2019 VENABLE LLP  
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14  
15 By: /s/ Steven C. Kline  
16 Steven C. Kline  
17 Attorney for Defendants  
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**SIGNATURE ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that concurrence in the filing of this document has been obtained from each of the other Signatories shown above.

Dated: April 24, 2019

By: /s/ William A. Lapcevic  
William A. Lapcevic

1 **[PROPOSED] ORDER**

2 Having read and considered the foregoing Stipulation, and good finding good  
3 cause appearing therefore:  
4

5 **IT IS HEREBY ORDERED** that Plaintiff, FLOW PHARMA is granted  
6 leave to amend to file its First Amended Complaint, a copy of which is attached  
7 hereto as **Exhibit 1**.  
8


9 **IT IS ALSO ORDERED** that Plaintiff's Motion For Leave To File First  
10 Amended Complaint currently scheduled for May 9, 2019 is hereby withdrawn and  
11 taken off calendar.  
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13 ~~**IT IS HEREBY ORDERED** that Plaintiff's First Amended Complaint is~~  
14 ~~deemed filed as of the date this Order is transmitted via that CM/ECF system.~~

15 ~~**IT IS SO ORDERED.**~~ Plaintiff shall file its First Amended Complaint no later than  
16 May 3, 2019.

17 IT IS SO ORDERED.

18 Dated: April 29, 2019  
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20   
21 Honorable Jon S. Tigar  
22 United States District Court Judge  
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